UNITED STATES PATENT AND TRADEMARK OFFICE

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10/764,248	01/23/2004	Kathleen M. Frigon	MFCP.110229	8055

45809 7590 07/09/2008 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613	

EXAMINER
BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
07/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *04 March 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-32 and 34-39* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-32 and 34-39* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *23 January 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to an amendment filed 03/04/2008.

Claims 1-32 and 34-39 remain pending. Claims 1, 20, and 34 are independent

claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 20, 22, and 34-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Edelman (U.S. Patent No. 5,680,563 filed 07/25/1994, issued

10/21/1997) in view of Bolnick et al. (hereinafter Bolnick, U.S. Patent No. 5,838,317 filed

06/30/1995, issued 11/17/1998), and in further view of Shiomi et al. (hereinafter Shiomi,

U.S. Patent No. 6,009,439 filed 07/18/1997, issued 12/28/1999), and in further view of

Adcock et al. (hereinafter Adcock, U.S. Patent Application Publication No.

2004/0125150 filed 12/31/2002, published 07/01/2004).

In regard to independent Claim 1, <u>Edelman</u> discloses:

- *A computer system for presenting a plurality of items to a user* (Abstract → a

  means for filtering items in a window for presenting to a user)*, the system*

  comprising:

  - *one or more filters selectable by the user which may be applied to said*

    plurality of items to select one or more filtered items each of said filters

having an associated default grouping (see Figs. 2, 5-8 → depicts menus

with filters for controlling what icons are displayed on the desktop display;

Fig. 6 shows a submenu of filters that shows the ways that the icons can

be grouped and displayed on the desktop).

It is also noted that <u>Edelman</u> discloses that the filtered out items are gathered

into a bundle of unusable items and displayed in a group (Abstract).

<u>Edelman</u> fails to disclose:

- o *an item grouping component configured to divide said one or more filtered*

  items into a plurality of groups automatically in accordance with at least

  one default grouping associated with one of said one or more filters,

  wherein each of at least a portion of said plurality of groups include one or

  more group characteristics shared by the items in the group, wherein said

  item grouping component is further configured to utilize said one or more

  group characteristics to generate one or more group titles for at least a

  portion of said plurality of groups.

However, <u>Bolnick</u> discloses *an item grouping component configured to divide*

said one or more filtered items into a plurality of groups automatically in

accordance with at least one default grouping associated with one of said one or

more filters, wherein each of at least a portion of said plurality of groups include

one or more group characteristics shared by the items in the group, wherein said

item grouping component is further configured to utilize said one or more group

characteristics to generate one or more group titles for at least a portion of said

plurality of groups (Col. 12, lines 29-46 → describes a desktop onto which a user

can define a plurality of regions (frames) into which graphical representations of

files, folders, applications (icons) will be automatically placed (grouped) upon a

user dropping those icons (or presumably creating those icons as one would

create a new file and then save it) into a given frame according to rules assigned

to each of the frames as to what content should be placed into those frames.

This automatic feature is switched on within the defined preferences assigned to

a given frame via an Auto-Fetch field which specifies whether the display arrange

system will automatically place a displayed moveable graphical representation

corresponding to a computer resource meeting the filter criterion for a frame

within the border of the selected frame assuming all other conditions are met

(i.e., empty cells exist, the frame has precedence over other frames having

acceptable filter properties, etc.). When a user drops an object onto the desktop,

precedence is first given to a frame that receives the drop, then from lowest to

highest index value in all frames in which the Auto-Fetch field 122 has been set.

The Auto-Arrange field 120 is automatically set for a frame when the Auto-Fetch

field 254 is set for the frame. Therefore, local tidying is invoked whenever a new

icon or minimized window is added to a frame via the auto-fetch automatic

behavior for the frame. The Auto-Fetch automatic behavior is disabled in all

frames where the Filtering field 68 specifies full query filtering).

It is also noted that each of the graphical representations have associated

with them a number of parameters describing such things as file size, type, etc.

Thus, Bolnick discloses an automatic grouping of objects (icons) on a display screen according to rules.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman and Bolnick as both inventions relate to layout and grouping items on a display. Adding the disclosure of Bolnick provides the benefit of the grouping and display to be performed automatically and according to rules.

Edelman and Bolnick fail to disclose:

- o *wherein said item grouping component is further configured to utilize said one or more group characteristics to generate one or more group titles for at least a portion of said plurality of groups;*

However, Shiomi discloses *wherein said item grouping component is further configured to utilize said one or more group characteristics to generate one or more group titles for at least a portion of said plurality of groups* (at least Col. 16, lines 23-55 → describes a group title generating unit which generates group titles based on attribute values common to the items within the group and the number of items in the group).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman, Bolnick, and Shiomi as all three inventions are related to grouping objects for display. Adding the disclosure of Shiomi provides the benefit of uniquely identifying objects within a group or groups.

Edelman also fails to disclose:

- *an item presentation display component which presents to the user at least a portion of said plurality of groups wherein said portion of said plurality of groups are presented along with at least a portion of said one or more group titles that indicate at least one of said one or more group characteristics.*

However, Bolnick discloses *an item presentation display component which presents to the user at least a portion of said plurality of groups wherein said portion of said plurality of groups are presented along with at least a portion of said one or more group titles that indicate at least one of said one or more group characteristics,* (see Fig. 1 → discloses claim limitation including group titles).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman and Bolnick as both inventions are related to layout and grouping items on a display. Adding the disclosure of Bolnick provides the benefit of the grouping and display to be performed automatically and according to rules.

Edelman, Bolnick and Shiomi fail to disclose:

- *wherein said item presentation display component further presents a listing of said one or more group titles, wherein said listing indicates which of said plurality of groups contain one or more items currently being presented by the item presentation display component*

However, <u>Adcock</u> discloses *wherein said item presentation display component further presents a listing of said one or more group titles, wherein said listing indicates which of said plurality of groups contain one or more items currently being presented by the item presentation display component* (at least Col. 5, line 39 through Col. 6, line 63; Figs. 7-12 → <u>Adcock</u> describes a graphical user interface for displaying groupings of items (e.g. images). In particular, Figure 7 depicts images *listed* by "event group." Each "event group" is identified by a placeholder 711b, 721b, 731b, 741b, 751b containing information for the associated events; including an event title (here the event titles appear to consist of a numerical date range. Thus, <u>Adcock</u> discloses a listing of group titles that indicate (by title and coloring, see Page 2, Paragraph [0025]) which of the groups of images are currently presented.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> since all of these inventions are related to the layout and grouping of items on a display. Adding the disclosure of <u>Adcock</u> provides the benefit of identifying which of a set of groups is currently being displayed to the user.

In regard to dependent Claim 2, <u>Edelman</u> discloses:

- *one or more of the filtered items has an associated visual representation, which may be presented to the user* (Figs. 5-8 → depict items as icons, the icons portraying what sort of files they are).

In regard to dependent Claim 3, Edelman, Bolnick, and Shiomi fail to explicitly disclose:

- *one or more of the filtered items are digital images.*

It is noted that Edelman and Bolnick do discuss icons, which are a form of digital image, but do not strictly discuss digital images such as photographs.

However, Adcock discloses *one or more of the filtered items are digital images* (at least Pg. 2, Paragraph [0026]; Figs. 1-6B→ describes a user interface that allows a user to selectively display (i.e. filter) groups of digital images).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman, Bolnick, Shiomi, and Adcock as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of Adcock provides the benefit of a convenient way to filter and organize digital images (photos) on a computer.

In regard to dependent Claim 4, Edelman, Bolnick, and Shiomi fail to explicitly disclose:

- *said digital images are digital photographs.*

It is noted that Edelman and Bolnick do discuss icons, which are a form of digital image, but do not strictly discuss digital images such as photographs.

However, Adcock discloses *one or more of the filtered items are digital images* (at least Pg. 2, Paragraph [0026]; Figs. 1-6B→ describes a user interface that allows a user to selectively display (i.e. filter) groups of digital images).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman, Bolnick, Shiomi, and Adcock as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of Adcock provides the benefit of a convenient way to filter and organize digital images (photos) on a computer.

In regard to dependent Claim 5, Edelman discloses:

* *wherein one or more of the filtered items has an associated icon and/or thumbnail view* (Figs. 5-8 → depict items as icons, the icons portraying what sort of files they are).

In regard to dependent Claim 6, Edelman discloses:

* *said selected filter chooses said filtered items by selecting items having one or more desired characteristics* (Abstract → items are filtered based on characteristics in common since all items not matching a particular characteristic are filtered out).

In regard to Claims 20, and 22, Claims 20, and 22 merely recite a graphical user interface for operating on the system of Claims 1, and 6, respectively. Thus, the combination of Edelman, Bolnick, Shiomi and Adcock discloses every limitation of Claims 20, and 22, as indicated in the above rejections for Claims 1, and 6.

In regard to Claims 34, 35, and 36, Claims 34, 35, and 36 merely recite a method for operating on the system of Claims 1, 3, and 6, respectively. Thus, the combination of combination of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> discloses every limitation of Claims 34, 35, and 36, as indicated in the above rejections for Claims 1, 3, and 6.

Claims 7-19, 21, 23-32, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman in view of Bolnick, and in further view of Shiomi, and in further view of Adcock, and in further view of Engst ("iPhoto 2 for Mac OS X: Visual Quickstart Guide", Copyright 04/21/2003, Peachpit Press).

In regard to dependent Claim 7, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to explicitly disclose:

- *said selected filter chooses the filtered items by selecting items having an associated date and/or time within a desired interval of time.*

It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

However, <u>Engst</u> discloses *said selected filter chooses the filtered items by selecting items having an associated date and/or time within a desired interval of time* (at least Pgs. 4-6 → date/time information can be added into a title, and the content of such titles are searchable. Thus, the dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order)).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer based on specified characteristics (metadata).

In regard to dependent Claim 8, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to explicitly disclose:

- *wherein said desired interval of time is essentially one calendar year.*

It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

However, <u>Engst</u> discloses *wherein said desired interval of time is essentially one calendar year* (Pgs. 4-6 → date/time information can be added into a title, and the content of such titles are searchable. Thus, the dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order)). Clearly, since <u>Engst</u> allows for searches based on date, a user can opt to perform searches by year.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying

digital images on a computer based on specified characteristics (time/date

metadata).

In regard to dependent Claim 9, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to

explicitly disclose:

- *wherein said default grouping places the filtered items in groups according to the*

  month associated [[which]] with the filtered items.

  It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by

date.

  However, <u>Engst</u> discloses *wherein said default grouping places the filtered items*

in groups according to the month associated [[which]] with the filtered items (Pgs. 4-

6 → date/time information can be added into a title, and the content of such titles are

searchable. Thus, the dates/times that are input can be searched. Matches are then

displayed accordingly (alphabetically, numerically increasing/decreasing order) in

groups).

  Clearly, since <u>Engst</u> allows for searches based on date, a user can opt to

perform searches by month. Results of the search will be grouped by month.

  It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u>

as all of these inventions relate to organizing and displaying objects on a screen.

Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying

digital images on a computer based on specified characteristics (time/date

metadata).

In regard to dependent Claim 10, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to

explicitly disclose:

- *wherein said desired interval of time is essentially one calendar month.*

It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by

date.

However, <u>Engst</u> discloses *wherein said desired interval of time is essentially one*

calendar month (Pgs. 4-6 → date/time information can be added into a title, and the

content of such titles are searchable. Thus, the dates/times that are input can be

searched. Matches are then displayed accordingly (alphabetically, numerically

increasing/decreasing order)). Clearly, since <u>Engst</u> allows for searches based on

date, a user can opt to perform searches by month.

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u>

as all of these inventions relate to organizing and displaying objects on a screen.

Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying

digital images on a computer based on specified characteristics (time/date

metadata).

In regard to dependent Claim 11, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to explicitly disclose:

- *wherein said default grouping places the filtered items in groups according to the day associated with the filtered items.*

It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

However, <u>Engst</u> discloses *wherein said default grouping places the filtered items in groups according to the day associated with the filtered items* (Pgs. 4-6 → date/time information can be added into a title, and the content of such titles are searchable. Thus, the dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order) in groups).

Clearly, since <u>Engst</u> allows for searches based on date, a user can opt to perform searches by day. Results of the search will be grouped by day.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer based on specified characteristics (time/date metadata).

In regard to dependent Claim 12, Edelman, Bolnick, Shiomi and Adcock fail to explicitly disclose:

- *wherein said interval of time is essentially one day.*

It is noted that Adcock does allow a user some level of filtering (e.g., sorting) by date.

However, Engst discloses *wherein said interval of time is essentially one day* (Pgs. 4-6 → date/time information can be added into a title, and the content of such titles are searchable. Thus, the dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order)). Clearly, since Engst allows for searches based on date, a user can opt to perform searches by day.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman, Bolnick, Shiomi, Adcock and Engst as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of Engst provides the benefit of organizing and displaying digital images on a computer based on specified characteristics (time/date metadata).

In regard to dependent Claim 13, Edelman, Bolnick, Shiomi and Adcock fail to explicitly disclose:

- *wherein said default grouping places filtered items in groups according to the time of day associated with the filtered items.*

It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

However, <u>Engst</u> discloses *wherein said default grouping places filtered items in groups according to the time of day associated with the filtered items* (Pgs. 4-6 → date/time information can be added into a title; and the content of titles are searchable. The dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order) in groups). Clearly, since <u>Engst</u> allows for searches based on date, a user can opt to perform searches by day. Those results will be grouped by day and can be further arranged in numerically increasing/decreasing order (i.e., can be sorted based on an associated number such as a time of day).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer based on specified characteristics (time/date metadata).

In regard to dependent Claim 14, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and Adcock fail to explicitly disclose:

- *wherein said default grouping utilizes one or more gaps in time to group the filtered items.*

It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

However, <u>Engst</u> discloses *wherein said default grouping utilizes one or more gaps in time to group the filtered items* (Pgs. 4-6 → date/time information can be added into a title; and the content of titles are searchable. The dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order)). Clearly, if a given group is established for a given period of time (e.g., day, month, year), it would be unlikely that the time intervals assigned to each member of the group be identical. Hence, any ordering of the group by time would necessarily order according to an increasing/decreasing numerical order and accommodate gaps in the time intervals assigned to each member of the group).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer based on specified characteristics (time/date metadata).

In regard to dependent Claim 15, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to explicitly disclose:

- *said selected filter chooses said filtered items by selecting items stored within a desired file folder.*

    It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

    However, <u>Engst</u> discloses *said selected filter chooses said filtered items by selecting items stored within a desired file folder* (Pgs. 7-9 → show various albums (folders), which are individual folders that act to group photographs with similar attributes (e.g., subject matter, rolls, etc).

    It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer by albums.

In regard to dependent Claim 16, <u>Edelman</u> discloses:

- *said default grouping utilizes one or more subfolder relationships to divide said filtered items into groups* (Col. 1, lines 48-52 → the filtering system is provided with a flexible interface by using object-oriented programming techniques and providing filtering objects organized in a filtering framework containing the filter objects. New filter objects can inherit function from existing filter objects and customized for a particular requirement). Thus, filtering objects can be arranged and filtered hierarchically whereby characteristics (objects) may have parent (superset) or

children (subsets) characteristics (objects). Thus, when filtering takes place, filtering

objects would be grouped according the hierarchy. In a similar way, folders/sub-

folders are hierarchical and thus Edelman discloses a filtering by means of a

folder/sub-folder (hierarchical) structure.

In regard to dependent Claim 17, Edelman, Bolnick, Shiomi and Adcock fail to

explicitly disclose:

- *said selected filter chooses said filtered items by selecting items associated with one*
  or more desired keywords.

    It is noted that Adcock does allow a user some level of filtering (e.g., sorting).

    However, Engst discloses *said selected filter chooses said filtered items by*

    selecting items associated with one or more desired keywords (Pgs. 10-12 →

    searching (filtering) photos according to keywords that are assigned to them). The

    act of searching by a given keyword(s) acts to filter the items by that keyword(s).

    It would have been obvious to one of ordinary skill in the art at the time of

    invention to combine the disclosures of Edelman, Bolnick, Shiomi, Adcock and Engst

    as all of these inventions relate to organizing and displaying objects on a screen.

    Adding the disclosure of Engst provides the benefit of organizing and displaying

    digital images on a computer by similar keywords.

In regard to dependent Claim 18, Edelman, Bolnick, Shiomi and Adcock fail to explicitly disclose:

- *each of the filtered items is associated with at least one of the one or more desired keywords.*

    It is noted that Adcock does allow a user some level of filtering (e.g., sorting).

    However, Engst discloses *each of the filtered items is associated with at least one of the one or more desired keywords* (Pgs. 10-12 → discloses searching (filtering) photos according to keywords that are assigned to them). Thus, photos searchable by keyword would necessarily have keywords assigned to them.

    It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Edelman, Bolnick, Shiomi, Adcock and Engst as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of Engst provides the benefit of organizing and displaying digital images on a computer by similar keywords.

In regard to dependent Claim 19, Edelman, Bolnick, Shiomi and Adcock fail to explicitly disclose:

- *said default grouping divides the filtered items associated with one of the desired keyword(s) into a group.*

    It is noted that Adcock does allow a user some level of filtering (e.g., sorting) by date.

However, <u>Engst</u> discloses *said default grouping divides the filtered items associated with one of the desired keyword(s) into a group* (Pgs. 10-12 → discloses searching (filtering) photos according to keywords that are assigned to them).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer by similar keywords.

In regard to Claims 21, and 23, Claims 21, and 23 merely recite a graphical user interface for operating on the system of Claims 4, and 7, respectively. Thus, the combination of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> discloses every limitation of Claims 21, and 23 as indicated in the above rejections for Claim 4, and 7.

In regard to Claim 24, Claim 24 merely recites a graphical user interface for operating on the system of Claims 8, 10, and 12. Thus, the combination of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> discloses every limitation of Claim 24, as indicated in the above rejections for Claims 8, 10, and 12.

In regard to Claim 25, Claim 25 merely recites a graphical user interface for operating on the system of Claims 9, and 13. Thus, the combination of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> discloses every limitation of Claim 25, as indicated in the above rejections for Claims 9, and 13.

In regard to dependent Claim 26, <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u> and <u>Adcock</u> fail to explicitly disclose:

- *said default grouping utilizes one or more gaps in time to group the filtered digital images.*

  It is noted that <u>Adcock</u> does allow a user some level of filtering (e.g., sorting) by date.

  However, <u>Engst</u> discloses *said default grouping utilizes one or more gaps in time to group the filtered digital images* (Pgs. 10-12 → discloses the concept of a film roll, which are groupings of photographs taken/loaded over the same time interval. Multiple rolls are displayed separately where gaps in time would exist thereby separating/grouping the rolls by time/date).

  It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> as all of these inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer by temporal gaps.

In regard to Claims 27, 28, 29, and 30, Claims 27, 28, 29, and 30 merely recite a

graphical user interface for operating on the system of Claims 15, 16, 18, and 19,

respectively. Thus, the combination of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u>

discloses every limitation of Claims 27, 28, 29, and 30 as indicated in the above

rejections for Claims 15, 16, 18, and 19.

In regard to dependent Claim 31, <u>Edelman</u> fails to disclose:

- *said default grouping divides said filtered images into groups according to one or*
  more group characteristics.

    However, <u>Bolnick</u> discloses *said default grouping divides said filtered images into*

groups according to one or more group characteristics (Col. 12, lines 29-46 →

discloses an automatic grouping of objects (icons) on a display screen according to

rules (e.g., keywords, metadata)).

    It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the disclosures of <u>Edelman</u> and <u>Bolnick</u> as both inventions

relate to layout and grouping items on a display. Adding the disclosure of <u>Bolnick</u>

provides the benefit of the grouping and display to be performed automatically and

according to rules such as keywords or metadata.

In regard to dependent Claim 32, <u>Edelman</u> discloses:

- *the one or more group characteristics are subsets of the desired characteristic* (Col.
  1, lines 48-52 → the filtering system is provided with a flexible interface by using
  object-oriented programming techniques and providing filtering objects organized in
  a filtering framework containing the filter objects. New filter objects can inherit
  function from existing filter objects and customized for a particular requirement).
  Thus, filtering objects can be arranged and filtered hierarchically whereby
  characteristics (objects) may have parent (superset) or children (subsets)
  characteristics (objects). Thus, when filtering takes place, filtering objects would be
  grouped according the hierarchy.

In regard to Claims 37, 38, and 39, Claims 37, 38, and 39 merely recite a method
for operating on the system of Claims 7, 15, and 17, respectively. Thus, the
combination of <u>Edelman</u>, <u>Bolnick</u>, <u>Shiomi</u>, <u>Adcock</u> and <u>Engst</u> discloses every
limitation of Claims 37, 38, and 39, as indicated in the above rejections for Claims 7,
15, and 17.

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Response to Arguments

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Applicant argues that the prior art of <u>Shiomi</u> does not teach *an interface that
displays items (e.g., digital images) along with a <u>listing of group titles indicating the
groups having items currently being presented to the user</u>*. The Examiner would agree
and withdraws the rejection. However, upon further search, the prior art of <u>Adcock</u> was

identified as teaching a *listing of group titles indicating the groups having items currently*

being presented to the user (see above rejection of independent claims).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James H. Blackwell whose telephone number is

(571)272-4089. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
07/02/2008

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